

STATE OF RHODE ISLAND :  
AND PROVIDENCE PLANTATIONS :

DEPARTMENT OF HEALTH :  
DIVISION OF PROFESSIONAL :  
REGULATION :

vs. :

Joseph W. Rodi NA11767: :

CONSENT ORDER

This matter is before the Department of Health upon matters contained in the Administrative Hearing Notice, dated 31 January 2000, issued to Joseph Rodi (hereinafter the "Respondent" ). The Hearing Notice informed Respondent that the Department proposed to revoke his license as a Nursing Assistant in that, he is alleged to have engaged in inappropriate conduct while employed as a Nursing Assistant at Eleanor Slater Hospital.

Prior to the date scheduled for the hearing it was agreed by and between the parties as follows:

1. Respondent is a registered Nursing Assistant and doing business under and by virtue of the laws of the State of Rhode Island. Respondent's mailing address is 19F Waterview Drive Smithfield RI.

2. Respondent admits to the jurisdiction of the Department and hereby agrees to remain under the jurisdiction of the Department.

3. Respondent has read this Consent Order and

understands that it is a proposal of the Department and is subject to the final approval of the Department. This Consent Order is not binding on Respondent until execution by the Department.

- 4) Respondent hereby acknowledges and waives:
  - a) The right to appear personally or by counsel or both before the Department;
  - b) The right to produce witnesses and evidence in his behalf at a hearing;
  - c) The right to cross-examine witnesses;
  - d) The right to have subpoenas issued by the Department;
  - e) The right to further procedural steps except for those specifically contained herein;
  - f) Any and all rights of appeal of the Consent Order.

5. This Consent Order shall become part of the public records of this proceeding once it is accepted by all parties.

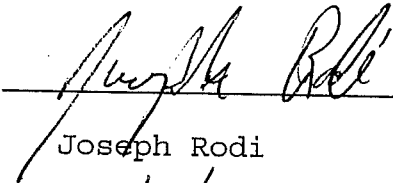
6. That the Respondent's Nursing Assistant license shall be suspended for a period of three (3) years; provided however, said suspension shall be stayed and Respondent shall serve a three (3) year period of probation subject to the terms and conditions set forth herein.

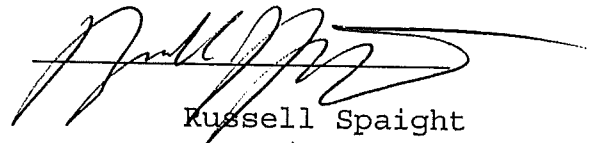
7. That the period of probation shall commence on 31 March 2000 and shall continue for the period of three (3) years during which time Respondent may be employed as a Nursing Assistant and shall abate for any period of time Respondent shall cease to be employed as a Nursing Assistant.
8. That respondent shall continue to adhere to conditions of a contract with a peer assistance program or other health care professional counseling and/or treatment program.
9. That during the period of probation respondent shall continue counseling and/or treatment programs as his counselor deems appropriate. Respondent agrees to execute all necessary documents authorizing Lifewatch (EAP) to advise the Department of his participation and progress in their program, and designates Paula Morrissey, Division of Professional Regulation, to receive such information. Respondent will provide counselor with a copy of this Order.
10. That respondent will comply with the laws and regulations governing the practice of nursing assisting during the three (3) year period of probation and any allegation of unprofessional conduct while employed as a nursing assistant will be reported to the Department.

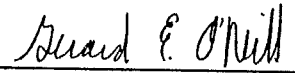
10. Respondent will receive six (6) hours of in-services each of the three (3) years of probation in the areas of resident rights: physical, emotional, spiritual and mental health needs of patients throughout the life cycle; modifying the nursing assistant's behavior in response to patient's behavior and respecting patients' rights according to Appendix II of the Rules and Regulations for the Registration of Nursing assistants (R23-17.9) Respondent will provide documentation of the in-service hours each year on or before March 31.
11. Respondent will provide copies of yearly performance evaluations each year on or before March 31. The evaluations will be signed by the Director of Nurses.
12. That during the period of probation should respondent change employment, he shall notify the Department forthwith of said change including the name and address of the new employer(s), date he commences said employment, and the reason for the change in employment.
13. At the end of the probationary period, should respondent comply with the requirements of this Consent Order, he may apply to the Department for an unrestricted registration to practice as a

Nursing Assistant.

14. That should respondent fail to comply with the laws and regulations governing the practice of nursing assisting and/or fail to comply with the terms of this Order, his registration as a Nursing Assistant shall be subject to suspension for a minimum of three (3) years.
15. That the terms of this Consent Order shall obviate the necessity for a formal administrative hearing before the Adjudication Officer of the Rhode Island Department of Health with respect to the matters contained in the Administrative Hearing notice issued to the Respondent.

  
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Joseph Rodi  
Date 4/17/2000

  
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Russell Spaight  
Date 24 APRIL 2000

  
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Gerard O'Neill, Esq.  
Attorney for Mr. Rodi